



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
William W. Shumway
Serial No.: **10/829,484**
Filed: **April 22, 2004**
Title: **Polymer-Based, Surfactant-Free
Emulsions and Methods of Use
Thereof**

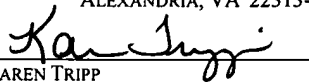
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Group Art Unit: **1796**
Examiner: **FIGUEROA, JOHN J.**
Atty. Docket No.: **HALB:052**

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING
PURSUANT TO 37 C.F.R. § 1.10, I HEREBY CERTIFY THAT I HAVE
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KAREN TRIPP

MAY 11, 2010
DATE

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RENEWED PETITION UNDER 37 CFR 1.137(b)
TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

This is in response to the dismissal of a petition mailed March 11, 2010. Reconsideration of that dismissal and reinstatement of the application is requested.

I failed to timely respond to the last office action from the Examiner because I first learned of the office action when the Examiner telephoned me, after the deadline to respond, to kindly inquire as to whether a response had been filed. I do not believe I received this office action in the mail.

I filed a petition for revival along with the required fee, a response to the office action, and a statement in support of the petition. In the response to the office action, I stated that a Request for Continued Examination was not believed needed for consideration of the response. I had this belief because I thought that the response would place the application in condition for allowance of all pending claims. No amendment to the claims (other than canceling some claims) was needed. However, I stated on page 2 of the response that, "if an RCE is required, the Commissioner is asked to consider this response to also be an RCE and to charge the fee for same to undersigned's Deposit Account."

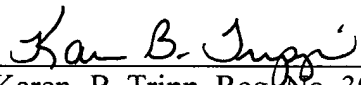
The Petitions Examiner has rejected my petition to revive because the Petitions Examiner states that the response filed on October 29, 2009 did not *prima facie* place the application in condition for allowance.

Since it appears from the Petitions Examiner that a RCE (or a Notice of Appeal with fee or a filing of a continuation application with fee) is needed, enclosed herewith, in addition to the request earlier made in my response filed October 29, 2009 for an RCE if necessary, are an RCE request *form* and a check for the fee for same. No other additional fee is believed to be due for revival and consideration of this patent application. However, if such an additional fee is determined to be due, then the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0807 such fee.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. The Petitions Examiner is requested to reconsider the petition, to grant same and to reinstate this patent application. A response to the Examiner's position in the Advisory Action is also enclosed.

Respectfully submitted,

Date: May 11, 2010



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